

REFERENCE TITLE: enhanced municipal services; designated area

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1369

Introduced by
Senator Hellon

AN ACT

AMENDING SECTION 48-575, ARIZONA REVISED STATUTES; RELATING TO MUNICIPAL IMPROVEMENT DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 48-575, Arizona Revised Statutes, is amended to
3 read:

4 48-575. Improvement districts for enhanced municipal services

5 A. In addition to the purposes for which an improvement district may
6 be formed under ~~the provisions of~~ section 48-572: ,

7 1. An improvement district may be formed within a designated area to
8 provide public service within the district at a higher level or greater
9 degree than provided in the remainder of the community, including such
10 services as public safety, fire protection, refuse collection, street or
11 sidewalk cleaning or landscape maintenance in public areas, planning,
12 promotion, transportation and public parking.

13 2. AN IMPROVEMENT DISTRICT MAY BE FORMED OUTSIDE A DESIGNATED AREA BUT
14 IN AN IDENTIFIED EMPLOYMENT CENTER OR A CENTRAL BUSINESS AREA TO PROVIDE
15 PUBLIC SERVICE IN THE DISTRICT AT A HIGHER LEVEL OR GREATER DEGREE THAN
16 PROVIDED IN THE REMAINDER OF THE COMMUNITY, FOR SUCH SERVICES AS PUBLIC
17 SAFETY, FIRE PROTECTION, REFUSE COLLECTION, STREET OR SIDEWALK CLEANING OR
18 LANDSCAPE MAINTENANCE IN PUBLIC AREAS, PLANNING, PROMOTION, TRANSPORTATION
19 AND PUBLIC PARKING. FOR THE PURPOSES OF THIS PARAGRAPH, "EMPLOYMENT CENTER"
20 MEANS AN IDENTIFIED AREA OF A MUNICIPALITY THAT HAS AN INVENTORY OF AT LEAST
21 THREE MILLION SQUARE FEET OF OFFICE SPACE AND COMMERCIAL SPACE.

22 B. The powers and duties of the governing body of the municipality and
23 the procedure to be followed shall be as provided in this article for other
24 types of special improvement districts.

25 C. If a petition for the formation of an improvement district under
26 ~~the provisions of~~ this section is presented to the governing body purporting
27 to be signed by all of the real property owners in the proposed district,
28 exclusive of mortgagees and other lienholders, the governing body, after
29 verifying such ownership and making a finding of such fact, shall adopt a
30 resolution of intention to order the improvement pursuant to ~~the provisions~~
31 ~~of~~ section 48-576 and shall have immediate jurisdiction to adopt the
32 resolution ordering the improvement pursuant to ~~the provisions of~~ section
33 48-581, without the necessity of the publication and posting of the
34 resolution of intention provided for in section 48-578.

35 D. The engineer shall make duplicate diagrams of the property
36 contained within the improvement district. The diagram shall show each
37 separate lot numbered consecutively, the area in square feet of each lot, and
38 the area in square feet of any building or buildings located on each
39 lot. ~~Prior to~~ BEFORE making any assessment upon the district, the diagram
40 shall be approved by the governing body.

41 E. The governing body shall make annual statements and estimates of
42 the expenses of the district, and shall assess the total sum upon the several
43 lots, each respectively in proportion to the benefits to be received by each
44 lot. When the assessments have been completed, the governing body shall fix
45 a time when it will hear and pass upon the assessments and the prior

1 proceedings relating thereto ~~which~~ THAT shall not be less than twenty days
2 from the date of the notice. Notice of hearing shall be given in the manner
3 provided by section 48-590, subsection E. Any person owning real property
4 affected by the assessment who has any objection to the legality of the
5 assessment, or to any of the previous proceedings connected therewith, ~~may~~
6 prior to the time fixed for the hearing MAY file a written notice briefly
7 specifying the grounds of the objection. At the time fixed for the hearing
8 or at any time not later than ten days thereafter to which the hearing may be
9 postponed, the governing body shall hear and pass upon the objections. The
10 decision of the governing body shall be final and conclusive upon all persons
11 entitled to object as to all errors, informalities and irregularities ~~which~~
12 THAT the governing body might have remedied or avoided any time during the
13 progress of the proceedings.

14 F. The assessments for the annual expenses shall be collectible in the
15 manner and by the officers provided by law for the collection and enforcement
16 of general taxes the municipality is authorized to levy. All statutes
17 providing for the levy and collection of county and city taxes, including the
18 collection of delinquent taxes and sale of property for nonpayment of taxes,
19 shall be applicable to the district assessments provided for under this
20 section.

21 G. An improvement district formed under ~~the provisions of~~ this section
22 shall not be authorized to issue improvement bonds.

23 H. No improvement district formed under ~~the provisions of~~ this section
24 shall be authorized to engage in any activity other than as provided in
25 subsection A of this section. If the municipality is willing to participate
26 in the cost of the district, the governing body ~~may~~, by resolution, MAY
27 summarily order such participation.

28 I. The formation of an improvement district under ~~the provisions of~~
29 this section shall not prevent the subsequent establishment of improvement
30 districts for any other purpose authorized by law.

31 J. If, in the opinion of the governing body, any territory of a
32 district formed under this section is not benefited by being a part of the
33 district, the governing body ~~may~~, by resolution, MAY exempt such territory
34 from assessment under this chapter, or if any portion of the territory of a
35 district formed under this section is no longer benefited by being a part of
36 the district, the governing body ~~may~~, by resolution, MAY summarily delete
37 from the district formed under this section any such area and may form a new
38 district from the balance of the original district formed under this section.

39 K. Any real property that is within the boundaries of the district,
40 that is ~~utilized USED~~ for residential purposes and that is not specifically
41 benefited by the public services at a higher level or greater degree shall be
42 exempt from assessment pursuant to this section for that year. Existing
43 improved real property ~~utilized USED~~ for residential purposes with four units
44 or less per building at the time of formation of the district is presumed to

1 not be specifically benefited by a public service at a higher level or
2 greater degree.

3 L. Within ten days after adoption of the resolution of intention to
4 order the improvement, the municipality shall record the resolution in the
5 office of the county recorder in the county in which the district is located
6 in such a way as to give notice of formation of the district to all property
7 owners within the district.

8 M. If, in the opinion of the governing body of the municipality,
9 territory adjacent to a district formed under this section would benefit from
10 being a part of the district, the governing body, by resolution, may include
11 the territory in the district formed under this section if all of the
12 following conditions are met:

13 1. Including the territory in the district will not adversely affect
14 the district.

15 2. Notice of the proposed inclusion of the territory in the district
16 has been published in five consecutive issues of a daily newspaper or two
17 consecutive issues of a weekly or semiweekly newspaper of general circulation
18 published in the municipality and a public hearing has been held to consider
19 the inclusion of the territory in the district.

20 3. Notice, including an accurate map of the territory proposed for
21 inclusion in the district, has been sent by first class mail at least ten
22 days before the hearing prescribed in paragraph 2 OF THIS SUBSECTION to each
23 owner of property listed on the tax roll within the district and in territory
24 that is now or would be subject to taxation by the district in the event of
25 inclusion of the territory.

26 N. Within ten days after the governing body of the municipality adopts
27 a resolution pursuant to subsection M of this section, the municipality shall
28 record the resolution in the office of the county recorder in the county in
29 which the district is located to give notice of the inclusion of the
30 territory in the district to all property owners in the district. If, before
31 the governing body of the municipality adopts the resolution pursuant to
32 subsection M of this section, a majority of the property owners, by area, of
33 either the original district formed under this section or the territory
34 proposed to be included in the district files with the governing body of the
35 municipality written objections to the proposed inclusion of the territory,
36 the territory shall not be included in the district.

37 O. An improvement district to provide enhanced municipal services may
38 continue to exist in an area that is no longer in a designated area as
39 defined in section 48-571, if at the time of district formation all of the
40 following apply:

41 1. The area contained in the improvement district has been in a
42 designated area for five or more years.

43 2. Not more than ten per cent of the frontage of the property fronting
44 on the proposed improvement, or if the cost of the improvement is to be made
45 chargeable on a district, not more than ten per cent of the frontage of the

1 property contained within the limits of the improvement district, is owned by
2 the same person.

3 3. Not more than one-third of the property owners by frontage of the
4 area contained in the improvement district files with the governing body of
5 the municipality written objections to the improvement district.

6 4. The municipality otherwise complies with ~~the provisions of~~ this
7 article for the process of forming the improvement district.